

**RESPONSE UNDER 37 C.F.R. 1.116**  
**USAN 10/787,142**

**REMARKS**

On page 2 of the Office Action, claims 24, 26, and 30-42 are rejected under 35 U.S.C. 103 as being unpatentable over Sonnenberg et al.

In response, Applicants note initially that claim 24 recites that the outside layer of the present invention surrounds the at least one inside layer.

In contrast, Sonnenberg does not teach or suggest an outside layer surrounding at least one inside layer. Indeed, Sonnenberg does not even disclose outside and inside layers. Rather, Sonnenberg discloses that its invention relates to multiphase soaps "in which the individual phases are highly visible when viewed from above and from the side" (see the Abstract and the Field of the Invention). For the individual phases to be highly visible when viewed from above and from the side, no individual phase can be an inside layer in Sonnenberg. Thus, Sonnenberg does not teach or suggest the inside layer structural feature of the soap used in the present invention.

Further, since claim 24 recites that the outside layer of the present invention surrounds the at least one inside layer and that the layers are opaque, Applicants submit that the at least one inside layer cannot be seen from the outside. In contrast, as noted above, Sonnenberg discloses that the individual phases of its soaps are highly visible. Thus, even if Sonnenberg were to teach some type of inside layer (which it does not), Applicants submit that Sonnenberg does not teach or suggest that such an inside layer could not be seen from the outside, since such would be the opposite of having the individual phases be highly visible.

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In regard to the Examiner indication on page 3 of the Office Action that the numerous arrangements disclosed in Sonneberg's figures indicate that the selection of layer arrangements and colors including those recited in the present claims would have required no more than ordinary creativity by one of ordinary skill in the art to provide a functional cleansing bar having the desired appearance, Applicants respectfully disagree as follows.

While Sonnenberg's figures disclose numerous arrangements, all of Sonnenberg's figures directed to various embodiments of Sonnenberg's invention show the individual phases to be highly visible; no figure shows an outside layer and at least one inside layer as presently claimed. The reason for this is because Sonnenberg's invention relates to multiphase soaps "in which the individual phases are highly visible when viewed from above and from the side". Thus, if a skilled artisan considering Sonnenberg were to make a soap other than one specifically illustrated in Sonnenberg's figures, the artisan would still have made a soap in which the individual phases are highly visible, and thus one would not have arrived at an outside layer and at least one inside layer as presently claimed. While the Examiner has cited the KSR case in support of his position, Applicants note that KSR still requires that the Examiner provide some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness (see MPEP 2143.01 IV., citing KSR). Applicants submit that the Examiner has not met this requirement.

Further, in regard to the Examiner's indication in the discussion bridging pages 3-4 of the Office Action that "Sonneberg teaches that layers are opaque (col. 26, lines 31-

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33)" and "the layers in each of those bars would disappear (first outer and then inner) ...", Applicants respectfully disagree as follows.

First, the disclosure at col. 26, lines 31-33 in Sonnenberg does not teach that "layers" are opaque; rather, it teaches that the "composition" can be opaque.

Second, Sonnenberg does not teach or suggest that the layers in a bar would disappear (first outer and then inner), because Sonnenberg does not teach that its bar has layers, including an inside layer as recited for the present invention as discussed above.

For at least the above reasons, Applicants submit that the present invention is not obvious over Sonnenberg, and withdrawal of this rejection is respectfully requested.

**Conclusion**

For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local telephone number listed below.

In view of the above, allowance of this application is respectfully requested.

Respectfully submitted,



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